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EXAMINER

LIU, I JUNG

ART UNIT	PAPER NUMBER
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3691

DATE MAILED: 10/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/961,251	NISHIMURA, YASUHIRO	
	Examiner	Art Unit	
	Marissa Liu	3624	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09/15/06 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____. |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>Sep 24, 2001</u> . | 6) <input type="checkbox"/> Other: ____. |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 2, and 5 are rejected under 35 U.S.C. 102(e) as being anticipated by Menninger et al. (US 6,954,736).
3. As per claim 1, Menninger et al. discloses a method of commodity selling intermediation comprising the steps of: causing a customer to input order information related to a plurality of commodities (see Figure 5 and column 14, lines 30-35, “order form for ordering a plurality of goods” is equivalent of “order information related to plurality of commodities”); referring to commodity selling prices of a plurality of shops and comparing totals of the prices of the plurality of ordered commodities in the shops with each other to show the customer the totals (see column 158, lines 44-59, where “The comparison reports enable a user to compare different version of an analysis against each other or against the latest finalized cost matrix by item” is equivalent of “comparing totals of the prices of the plurality of ordered commodities in the shops with each other to show the customer the totals”), and causing the customer to select one of the shops as a selling agent (see Figure 67, column 158, lines 63-Col. 56, line 58, where “selection of the distributors” is equivalent of “select one of the shops as a selling agent”); and placing an

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order to the shop selected by the customer through a network on the basis of order contents of the commodities (Figure 5 and column 14, lines 30-45, where “electronic order form for ordering a plurality of goods is then generated based on the data in operation. The electronic order form is subsequently transmitted to at least one supply chain participant utilizing the network in operation.” is equivalent of “placing an order through a network on the basis of order contents of the commodities”).

4. As per claim 2, Menninger et al. discloses the method described in claim 1 above.

Menninger et al. further includes wherein, in the selling agent selection step, the commodity selling prices of the plurality of commodities are shown to the customer such that at least some of the commodities are concealed (see figure 17 and column 20, lines 55-column 21, lines 20, and column 45, lines 37-58, where “calculating a total cost based on the first cost parameter and the second cost parameter; displaying the total” is equivalent of “the commodity selling prices of the plurality of commodities are shown to the customer such that at least some of the commodities are concealed”).

5. As per claim 5, Menninger et al. teaches the method according to claim 1. Menninger et al. further includes the steps of: transmitting order information related to the plurality of commodities designated by a customer to a server connected through a network (see column 1, lines 65-67, column 2, lines 1-20, and see Figure 5 and column 14, lines 30-35, “order form for ordering a plurality of goods” is equivalent of “order information related to plurality of commodities” and “A network is utilized to collect from a plurality of stores of a supply chain data relating to the sale of goods by the stores. Access is allowed to the data utilizing a network-based interface. Electronic order forms are generated based on the data for ordering goods from

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a plurality of distributors of the supply chain” is equivalent of “transmitting order to a server connected through a network”); receiving commodity selling prices which are transmitted from the server in accordance with the transmitted order information and which have a state in which at least some of the plurality of commodities are concealed and the totals of the prices of the plurality of commodities (Figure 5 and column 14, lines 30-45, column 45, lines 37-58, and see column 158, lines 44-59, where “The comparison reports enable a user to compare different version of an analysis against each other or against the latest finalized cost matrix by item” is equivalent of “receiving commodity selling prices”, “electronic order form for ordering a plurality of goods is then generated based on the data in operation. The electronic order form is subsequently transmitted to at least one supply chain participant utilizing the network in operation” is equivalent of “transmitted from the server in accordance with the transmitted order information”); and displaying the received commodity selling prices which have the state in which at least some of the plurality of commodities are concealed and the totals of the prices (see Figure 17, column 20, lines 55-column 21, lines 20, and column 45, lines 37-58, where “calculating a total cost based on the first cost parameter and the second cost parameter; displaying the total” is equivalent of “displaying the received commodity selling prices which have the state in which at least some of the plurality of commodities are concealed and the totals of the prices”) .

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

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(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menninger et al. (US 6,954,736) in view of Williams et al. (Pub. No.: US 2002/0032612 A1).

Menninger et al. teaches the method of claim 1. Menninger et al. fails to teach step of comparing transportation fees of the plurality of forwarding agents related to transportation of a plurality of ordered commodities and showing the transportation fees to the customer and causing the customer to select one forwarding agent as a transportation assignee, wherein, in the ordering step, transportation business is assigned to the selected forwarding agent through the network.

William futher teaches step of comparing transportation fees of the plurality of forwarding agents related to transportation of a plurality of ordered commodities (see paragraph 00292, lines 4 and 5, where “comparison of the costs of shipping the item with a plurality of Carriers and Service” is equivalent of “comparing transportation fees of the plurality of forwarding agents related to transportation of a plurality of ordered commodities”) and showing the transportation fees to the customer and causing the customer to select one forwarding agent as a transportation assignee (see paragraph 00292, lines 4-8, paragraph 0322, lines 7-9 and paragraph 0035, lines 1-7, where “delivery prices” is equivalent of “transportation fees” and “prompts the Consumer to select for shipping the package according to Carrier and Service selected” is equivalent of “causing the customer to select one forwarding agent as a transportation assignee”), wherein, in the ordering step, transportation business is assigned to the selected forwarding agent through the network (see abstract, lines 1-8 and 15-21 and pages 50

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and 51, claims 124-128, where “return merchandise purchased from that store from within that online store” is equivalent of “through the network”).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention to incorporate the step of comparing transportation fees of the plurality into the method of Menninger et al. One of ordinary skill in the art would have been motivated to incorporate the step of comparing transportation fees of the plurality for the purpose of providing online stores with a fast, simple, convenient way for eCommerce customers of an online store to return merchandise purchase from that store from within the online store (see abstract, lines 1-6 of Williams et al.).

8. Claim 4 is rejected under 35 U.S.C. 103(a) as being unpatentable over Menninger et al. (US 6,954,736) in view of William et al. (Pub. No.: US 2002/0032612 A1) as applied to claim 3 above, and further in view of Miyazaki (Pub. No.: US 2003/0023334 A1).

Menninger et al. in view of William et al. teach the method of claim 3 described above.

Menninger et al. in view of William do not teach the step of inquiring the delivery state of the commodity from the forwarding agent through the network before scheduled time and date for delivery of the commodity included in the order information and, when delivery scheduled is changed, notifying the customer that the delivery schedule is changed.

Miyazaki further teaches the step of inquiring the delivery state of the commodity from the forwarding agent through the network before scheduled time and date for delivery of the commodity included in the order information (page 4, paragraph 0044, lines 2-10, where “progress status of the product is notify only to the client concerned with the product” is equivalent of “step of inquiring the delivery state of the commodity”, “telephone” is equivalent

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of “network”, and “delivery time of your product” is equivalent of “scheduled time and date for delivery”) and, when delivery scheduled is changed, notifying the customer that the delivery schedule is changed (see page 3, paragraph 0039, lines 1-10, where “delivery time delay alarm” and “client can be notify about the state of delay” is equivalent of “notifying the customer that the delivery schedule is changed”).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to incorporate the delivery state of the commodity from the forwarding agent through the network before scheduled time and date for delivery of the commodity included in the order information and, when delivery scheduled is changed, notifying the customer that the delivery schedule is changed into the combined method of Menninger et al. in view of William et al. One of ordinary skill in the art would have been motivated to incorporate the delivery state of the commodity from the forwarding agent through the network before scheduled time and date for delivery of the commodity included in the order information and, when delivery scheduled is changed, notifying the customer that the delivery schedule is changed for the purpose of improve quality and reduced delivery time and client can control the production management status (page 1, paragraph 0002, lines 1-2 and paragraph 0004, lines 1-6 of Miyazaki).

9. Claim 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Menninger et al. (US 6,954,736) in view of de Sylva (Pub. No.: US 6,862,572 B1).

10. As per claim 6, Menninger et al. teaches a computer program containing instructions which when executed on a computer causes the computer to realize the units of (see abstract, lines 1-2):

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Menninger et al. teaches causing a customer to input order information related to a plurality of commodities (see Figure 5 and column 14, lines 30-35, “order form for ordering a plurality of goods” is equivalent of “order information related to plurality of commodities”). A selling agent selection unit which refers to commodity selling prices of a plurality of shops and comparing totals of the prices of the plurality of ordered commodities in the shops with each other to show the customer the totals (see column 158, lines 44-59, where “The comparison reports enable a user to compare different version of an analysis against each other or against the latest finalized cost matrix by item” is equivalent of “comparing totals of the prices of the plurality of ordered commodities in the shops with each other to show the customer the totals”), and causing the customer to select one of the shops as a selling agent (see Figure 67, column 158, lines 63-Col. 56, line 58, where “selection of the distributors” is equivalent of “select one of the shops as a selling agent”). An ordering unit which places an order to the shop selected by the customer through a network on the basis of order contents of the commodities. (Figure 5 and column 14, lines 30-45, where “electronic order form for ordering a plurality of goods is then generated based on the data in operation. The electronic order form is subsequently transmitted to at least one supply chain participant utilizing the network in operation.” is equivalent of “ordering unit which places an order through a network on the basis of order contents of the commodities”).

Menninger et al. does not teach an order information input unit which causes a customer to input order information related to a plurality of commodities.

De Sylva teaches an order information input unit which causes a customer to input order information related to a plurality of commodities (see abstract, lines 1-5, column 4, lines 11-13,

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and column 6, lines 32-38, where “the messenger dispatch system ... with the merchant website at which the customer placed the order” is equivalent of “order information input unit” and “input includes messenger availability queries, customer order information” is equivalent of “customer to input order information”);

De Sylva does not teach a selling agent selection unit which refers to commodity selling prices of a plurality of shops and comparing totals of the prices of the plurality of ordered commodities in the shops with each other to show the customer the totals, and causing the customer to select one of the shops as a selling agent.

De Sylva does not teaches an ordering unit which places an order to the shop selected by the customer through a network on the basis of order contents of the commodities.

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add order information input unit to input order information related to a plurality of commodities of Menninger et al.. One of ordinary skill in the art would have been motivated to incorporate order information input unit for the purpose of facilitating services between businesses, delivery agents, and customer via the Internet or other network (see column 1, lines 4-6 of de Sylva).

11. As per claim 8, Menninger et al. teaches an apparatus for commodity selling intermediation comprising (see abstract, lines 1-2, where “computer program” is equivalent of “an apparatus”):

Menninger et al. teaches causing a customer to input order information related to a plurality of commodities (see Figure 5 and column 14, lines 30-35, “order form for ordering a plurality of goods” is equivalent of “order information related to plurality of commodities”).

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Menninger et al. teaches a selling agent selection unit which refers to commodity selling prices of a plurality of shops and comparing totals of the prices of the plurality of ordered commodities in the shops with each other to show the customer the totals (see column 158, lines 44-59, where “The comparison reports enable a user to compare different version of an analysis against each other or against the latest finalized cost matrix by item” is equivalent of “comparing totals of the prices of the plurality of ordered commodities in the shops with each other to show the customer the totals”), and causing the customer to select one of the shops as a selling agent (see Figure 67, column 158, lines 63-Col. 56, line 58, where “selection of the distributors” is equivalent of “select one of the shops as a selling agent”).

Menninger et al. teaches an ordering unit which places an order to the shop selected by the customer through a network on the basis of order contents of the commodities. (Figure 5 and column 14, lines 30-45, where “electronic order form for ordering a plurality of goods is then generated based on the data in operation. The electronic order form is subsequently transmitted to at least one supply chain participant utilizing the network in operation.” is equivalent of “ordering unit which places an order through a network on the basis of order contents of the commodities”).

Menninger et al. does not teaches an order information input unit which causes a customer to input order information related to a plurality of commodities.

De Sylva teaches an order information input unit which causes a customer to input order information related to a plurality of commodities (see abstract, lines 1-5, column 4, lines 11-13, and column 6, lines 32-38, where “the messenger dispatch system ... with the merchant website at which the customer placed the order” is equivalent of “order information input unit” and

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“input includes messenger availability queries, customer order information” is equivalent of “customer to input order information”);

De Sylva does not teaches a selling agent selection unit which refers to commodity selling prices of a plurality of shops and comparing totals of the prices of the plurality of ordered commodities in the shops with each other to show the customer the totals, and causing the customer to select one of the shops as a selling agent.

De Sylva does not teaches an ordering unit which places an order to the shop selected by the customer through a network on the basis of order contents of the commodities.

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add order information input unit to input order information related to a plurality of commodities of Menninger. One of ordinary skill in the art would have been motivated to incorporate order information input unit for the purpose of facilitating services between businesses, delivery agents, and customer via the Internet or other network (see column 1, lines 4-6 of De Sylva).

12. Claim 7 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Suzuki et al. (Pub No.: US 2002/0010658 A1) in view of Menninger et al. (US 6,954,736).

13. As per claim 7, Suzuki et al. teaches computer program containing instructions which when executed on a computer causes the computer to realize the units of (page 5, paragraph 0084, where “computer” consist of “computer program”).

Suzuki et al. teaches a transmission unit which transmits an order information related to the plurality of commodities designated by a customer to a server connected through a network (page 5, paragraph 0084 and page 4, paragraph 64, where “computer transmits the page data of

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Web page in which the merchandise specification data and the client data are entered to the sales managing server via the Internet as the client order data” is equivalent of “transmit an order information related to the plurality of commodities designated by a customer to a server connected through a network”);

Suzuki et al. teaches a reception unit which receives commodity selling prices which are transmitted from the server in accordance with the transmitted order information (see page 10, paragraph 0182 and page 8, paragraph 0139, where “receive the cost of sales” is equivalent of “receives commodity selling prices”).

Suzuki teaches a display unit which displays the received commodity selling prices (see page 11, paragraph 0182, where “merchandise 4 is displayed. And in the total amount sold display column 66E, the total amount sales of the merchandise 4 ordered, i.e., the price charged, is displayed”).

Suzuki et al. does not teach have a state in which at least some of the plurality of commodities are concealed and the totals of the prices of the plurality of commodities.

Suzuki does not teach have the state in which at least some of the plurality of commodities are concealed and the totals of the prices.

Menninger et al. teaches have a state in which at least some of the plurality of commodities are concealed and the totals of the prices of the plurality of commodities (see figure 17 and column 20, lines 55-column 21, lines 20, and column 45, lines 37-58, where “calculating a total cost based on the first cost parameter and the second cost parameter; displaying the total” is equivalent of “the commodity selling prices of the plurality of commodities are shown to the

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customer such that at least some of the commodities are concealed and the totals of the prices of the plurality of commodities”).

Menninger et al. teaches have a state in which at least some of the plurality of commodities are concealed and the totals of the prices of the plurality of commodities (see figure 17 and column 20, lines 55-column 21, lines 20, and column 45, lines 37-58, where “calculating a total cost based on the first cost parameter and the second cost parameter; displaying the total” is equivalent of “the commodity selling prices of the plurality of commodities are shown to the customer such that at least some of the commodities are concealed and the totals of the prices of the plurality of commodities”).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the state in which at least some of the plurality of commodities are concealed and the totals of the prices to the reception unit and display unit of Suzuki. One of ordinary skill in the art would have been motivated to the state for the purpose of providing a separate interface on a per-participant basis, trade secrets are protected, and competitors are more likely to join (see column 45, lines 50-57 of Menninger et al.).

14. As per claim 9, Suzuki et al. teaches an apparatus for commodity selling intermediation comprising (page 5, paragraph 0084, where “computer” is the “apparatus for commodity selling intermediation”):

Suzuki et al. teaches a transmission unit which transmits an order information related to the plurality of commodities designated by a customer to a server connected through a network (page 5, paragraph 0084 and page 4, paragraph 64, where “computer transmits the page data of Web page in which the merchandise specification data and the client data are entered to the sales

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managing server via the Internet as the client order data” is equivalent of “transmit an order information related to the plurality of commodities designated by a customer to a server connected through a network”);

Suzuki et al. teaches a reception unit which receives commodity selling prices which are transmitted from the server in accordance with the transmitted order information (see page 10, paragraph 0182 and page 8, paragraph 0139, where “receive the cost of sales” is equivalent of “receives commodity selling prices”)

Suzuki teaches a display unit which displays the received commodity selling prices (see page 11, paragraph 0182, where “merchandise 4 is displayed. And in the total amount sold display column 66E, the total amount sales of the merchandise 4 ordered, i.e., the price charged, is displayed”).

Suzuki does not teach have the state in which at least some of the plurality of commodities are concealed and the totals of the prices.

Suzuki et al. does not teach have a state in which at least some of the plurality of commodities are concealed and the totals of the prices of the plurality of commodities.

Menninger et al. teaches have a state in which at least some of the plurality of commodities are concealed and the totals of the prices of the plurality of commodities (see figure 17 and column 20, lines 55-column 21, lines 20, and column 45, lines 37-58, where “calculating a total cost based on the first cost parameter and the second cost parameter; displaying the total” is equivalent of “the commodity selling prices of the plurality of commodities are shown to the customer such that at least some of the commodities are concealed and the totals of the prices of the plurality of commodities”).

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Menninger et al. teaches have a state in which at least some of the plurality of commodities are concealed and the totals of the prices of the plurality of commodities (see figure 17 and column 20, lines 55-column 21, lines 20, and column 45, lines 37-58, where “calculating a total cost based on the first cost parameter and the second cost parameter; displaying the total” is equivalent of “the commodity selling prices of the plurality of commodities are shown to the customer such that at least some of the commodities are concealed and the totals of the prices of the plurality of commodities”).

Therefore, it would be prima facie obvious to one of ordinary skill in the art at the time the invention was made to add the state in which at least some of the plurality of commodities are concealed and the totals of the prices to the reception unit and display unit of Suzuki. One of ordinary skill in the art would have been motivated to the state for the purpose of providing a separate interface on a per-participant basis, trade secrets are protected, and competitors are more likely to join (see column 45, lines 50-57 of Menninger et al.).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Marissa Liu whose telephone number is 571-270-1370. The examiner can normally be reached on First Friday OFF.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick James Nolan can be reached on 571-270-0847. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



**PATRICK J. NOLAN, PH.D.
SUPERVISORY PATENT EXAMINER**
